BREWERS ASK COURT TO HALT BONE DRY LAW

Action Aimed to Involve U. S. Officers Who Enforce Prohibition.

WANT PERCENTAGE RULE

Seeking of Injunction in Advance of Proceedings Is Unusual Feature.

A new move was made yesterday by the brewers in the fight to save light beers, when the Jacob Hoffmann Brewing Company, Inc., instituted injunction proceedings in the Federal District Court against Mark Eisner, as Internal Revenue Collector for the Third New York District, and Francis G. Caffey, as United States Attorney for the Southern District of New York, to restrain them from carrying out the bone dry prohibition rider of November 21, 1918. An extraordinary feature of the suit is that it seeks an injunction in advance and in anticipation of any attempt by the Government agents to enforce the law.

This action is a test suit challenging the constitutionality of this statute, in which feature it resembles the suit instituted on Saturday in the Federal court by Joseph E. Everard, a minority stockholder, against the board of directors of the James Everard Breweries Corporation, with the aim of restraining them in their decision to cease brewing after June 30, as directed by law.

Purposes of Action.

But the two main purposes of the present proceeding, which distinguish it from that suit, are first, to involve directly in litigation the officers of the Government charged with putting into effect the bone dry provision, and secondly, to obtain a court ruling on what percentage of alcoholic content makes a beverage intoxicating.

In the Everard case the Government was not involved, and the contention that beer with 2¾ percentage of alcohol was permissible was brought in only as a secondary matter. In this case the burden of the complaint is focussed upon it. In both cases the complainants are represented by the same counsel, headed by Elihu Root and William D. Guthrie.

This case is looked upon as an outgrowth of the opinion they gave to the Lager Beer Brewers Board of Trade on Monday. In this the special counsel declared that Daniel C. Roper, Commissioner of Internal Revenue, had no legal authority for fixing the non-intoxicating limit of beverages at one-half of 1 per cent. of alcohol and advised injunction proceedings to prevent the prohibition law from being interpreted in this way.

The action begun yesterday is called a friendly suit; as the office of the internal revenue collector is represented as anxious to obtain a decision from the bench on the limit of non-intoxicants before determining on its future course. Most of the brewers, pending this decision, are holding up their preparations to go ahead with the production of 2¾ per cent. beer, following the Root-Guthrie opinion, though the Jacob Ruppert Brewing Company is said to be already in a position to market this product.

The United States Brewers Association in sending out copies of the Root-Guthrie opinion made no general recommendation, simply leaving it to the individual judgment of their members as to how they should act on it. It was the unofficial conviction of some of the legal representatives of the brewers that they would have to start separate actions at law and would not be allowed to join as complainants in the present case in the event that they decided to fight out the issue in court.

The papers filed yesterday are in the nature of a bill in equity, signed and attested by William Hoffmann as president of the complaining company. Elihu Root, William D. Guthrie and William L. Marbury are counsel for the complainant. The bill recites the following preliminary facts:

The company was incorporated in 1887, succeeding the brewing business established in 1867 by Jacob Hoffmann. All its officers and directors are citizens of this State.

Business Plans Outlined.

It has outstanding capital stock of $400,000 in 400 shares of $1,000 each. Its business in the manufacture and sale of beers and other malt liquors prior to January 1, 1918, amounted to $1,300,000 a year. The company owns four parcels of real estate in the city, which are used for its brewery business and have an aggregate assessed valuation of $411,000. Its plant and other personal property have a present book value in excess of $750,000.

During the last three years it has sold its wares to 255 customers each year and during that period it sold the following number of barrels: In 1916 171,792, 152,995 in 1917 and 121,890 in 1918. It employs more than seventy men, with a total monthly payroll of $10,000. The average net profits during the three year period were approximately $51,000 per annum.

The bill does not call into question the Eighteenth Amendment to the Constitution.

In addition to asserting that the signing of the armistice—a copy of which is appended—removed the necessity for conserving cereals and grains to carry on the war, and that regulations issued since that time are in no sense acts "for the national defence," the bill of complaints avers: "That beers and other malt liquors which contain not to exceed 2¾ per cent. of alcohol by weight are not in fact intoxicating when used for beverage purposes, and therefore were not and are not within the intent, scope and purview of the said act of Congress of November 21, 1918, as will fully appear by reference to the terms and provisions of section 1 of said act; and that all and singular the beer manufactured and sold by complainant since August 10, 1917, has contained not to exceed 2¾ per cent. of alcohol by weight, which is equivalent to 3.3 per cent. by volume.

Intent of Act Shown.

"Complainant is advised by counsel, and therefore avers that according to the true intent and meaning of said act of Congress of November 21, 1918, the manufacture and sale of non-intoxicating beers or other non-intoxicating malt liquor for beverage purposes were not and are not prohibited thereby and that the beers or malt liquor now produced, manufactured and sold by complainant are not intoxicating as matter of fact and were not and are not therefore within the intent, scope and purview of said act of Congress.

"And complainant is also advised by counsel and, therefore, avers that said act of Congress of November 21, 1918, in so far as it purports to apply to the production, manufacture or sale of intoxicating beer or other intoxicating malt liquor for beverage purposes is unconstitutional and void because in excess of and unauthorized by any power delegated to or vested in the Congress or any department or officer thereof under and by virtue of the Constitution of the United States.

"As more fully appears from the copies of the regulations or decisions of the Commissioner of Internal Revenue herewith attached, said Federal officer has construed the said act of Congress, with the consent and approval of the Secretary of the Treasury, as forbidding the use after May 1, 1919, of grains, cereals, fruits or other food products in the manufacture of beer or other malt liquors containing one-half of one per cent. or more of alcohol by volume, and as forbidding the sale after June 30, 1919, of beer or other malt liquors of said alcoholic content.

"Notwithstanding the fact that such construction of said act of Congress is erroneous, unauthorized and void, that it exceeds the authority conferred upon the Commissioner of Internal Revenue by the President in and by the proclamations of which copies are hereunto attached, and that said act of Congress is itself wholly unconstitutional and void for the reasons and in the respects hereinbefore stated, it is nevertheless the purpose, intent and threat of the Commissioner of Internal Revenue, his agents and subordinates, including the defendant Mark Eisner, as well of the Department of Justice of the United States and its agents, officers, members and employees, including the defendant Francis G. Caffey, to enforce against the complainant, its officers, agents and servants, numbering more than seventy, the various pains and penalties, including fine and imprisonment and various forfeitures of property, provided by said act of Congress and other laws and regulations, and thus involve the complainant, its officers, agents and servants in numerous suits and threaten it with the disorganization and dispersion of its staff of skilled and trained employees by frightening them into quitting its employ to avoid prosecution and possible punishment, the destruction of its business, the loss of its customers, and the depreciation, if not destruction, of its good will and property, all to the irreparable damage of the complainant and its stockholders, and which said injury and damage would be incapable of admeasurement and adjudication in an action at law.

"Complainant further alleges that in order to carry on its business of brewing beer, whether intoxicating or not, it is necessary and essential for it to purchase and make provision for large quantities of materials, supplies and labor several months prior to the commencement of brewing or manufacturing operations; that unless complainant can immediately procure from this honorable court relief in the premises, no such purchases and provision can reasonably or safely be made by it; that there will be in that event a cessation of business for an indefinite and probably considerable period of time on its part; that such a cessation of business will involve irreparable injury and damage to it and its stockholders, in that it will destroy the good will of the business, cause the loss of large and indeterminable profits and disorganize its business and staff of skilled employees, and tend to the dissipation and loss of its trade and customers and the depreciation in value of its plant and property."

Injunction Plea Made.

The prayer for relief requests an injunction against Collector Eisner and United States Attorney Caffey.

A temporary injunction is sought pending a final hearing on the matters in controversy. Subpœnas for the defendants are requested and will be issued as a matter of course. The case, unless expedited by immediate answer and joinder of issue, will be placed on the court calendar at the end of five days.

It was remarked at the office of William D. Guthrie that this complaint is unusual in seeking to restrain possible criminal prosecution. In ordinary procedure, it was pointed out, a District Attorney cannot be enjoined from taking action against an alleged violator of the law or Government regulations. But because of the extensive interests involved in the attempt of the Internal Revenue Bureau to restrict non-intoxicating beverages it was maintained that this extreme procedure was justified in law.

Joseph F. Prendergast, chief deputy clerk in the office of the Collector of Internal Revenue, stated that though Mr. Eisner had resigned that office some time ago he would nevertheless remain a defendant, being the only proper person to fill that position until his successor had been appointed. So far internal revenue officials here had received no instructions from Washington as to what attitude they should take toward the brewing of 2¾ per cent. beer.

Company Makes Mild Beer.

The Hoffman company, it was said, has been making mild beer since the 2¾ per cent. standard was set, except during December and January, when brewing, even of non-intoxicants, was prohibited. With the lifting of the ban on "near beer" by the Presidential proclamation of January 30 it resumed manufacture, reducing the alcohol in its product before sale to less than one-half per cent., under the regulations now in force.

William H. Anderson, head of the Anti-Saloon League, said he had no statement to make except that the brewers were doing what the league desired by obtaining a court judgment on the matter and crystallising public sentiment against themselves. Robert G. Davey, State counsel for the league, declared the league would make an attempt to intervene in this litigation by applying for the privilege of "amicus curiæ," or "friend of the court."

This privilege, while aligning them with neither the complainant nor the defendant would enable them to introduce briefs into the litigation as an interested party. Mr. Davey stated he could not tell when this attempted intervention would be made. Wayne B. Wheeler, general counsel for the league, who is now in Washington, is expected to handle this procedure.

BAY STATE BREWERS TO MAKE 2.75 BEER

Association Decides on Action on Advice of Counsel.

BOSTON, March 19.—The Brewers Association of Massachusetts adopted today resolutions recommending that breweries begin the manufacture of 2.75 per cent beer. The meeting was attended by representatives of twenty-two breweries in this State and their action was unanimous.

The resolution said that in view of the opinion of counsel the association recommended to its members that they proceed.

The brewers were advised also to communicate at once with the president of the association in reference to any action that might be brought against them so that there might be "harmony and consistency in the conduct of legal proceedings" to protect their rights.

NEWLY WETS IN LICENSE RUSH.

Bay State Towns Swamped With Liquor Applications.

BROCKTON, Mass., March 19.—Towns in this vicinity that voted license last week after many years of prohibition have received so many applications for licenses that the Selectmen have decided to hold a conference at Rockland this week to consider the situation.

The outcome of the conference is of particular interest here, as Brockton is a no license city and some of the new license towns adjoin it.

ANDERSON CALLS ON WALTERS TO DEBATE

Challenge to Word Duel Over Brewery Charges, Sets Place as Syracuse.

Special Despatch to THE SUN.

ALBANY, March 19.—Senator J. Henry Walters of Syracuse, Republican leader of the Senate, was challened to-night to a public "duel" by William H. Anderson, State Superintendent of the Anti-Saloon League. Pistols and coffee for two will be unnnecessary, but a few glasses of water will be needed, for the duel would take the form of a public debate, right in Mr. Walters's own city of Syracuse.

Mr. Anderson said unkind things about Senator Walters depending upon the support of German brewers for election as majority leader of the Senate last January. A few days ago in the Senate the Republican leader accused Mr. Anderson of telling a deliberate lie about him.

Letter From Anderson.

Now we have this letter from Mr. Anderson to Senator Walters:

"My original statements about you were made in the open, where you had access to identically the same means for answering them. Your latest statement was from the privileged protection of the Senate floor, where I had no chance. Now, in order to equalize things, I intend that you shall make your denials and charges where they can be answered, dissected and exploded on the spot.

"I therefore challenge you to a public debate, in your own city of Syracuse, which you claim is against prohibition. Realizing that you are busy during the session, I propose some mutually satisfactory date about thirty days after the close of the session, or, if you prefer to postpone it until the next time you are a candidate (provided you conclude to run again), and will now in writing accept the challenge for such future date, I will agree to the postponement. If you do not accept I will be free to hire a hall in Syracuse for the purpose of discussing your record when you are a candidate for reelection, or for Governor, or something, at which time you can be present or be seen of all men to run away."

Walters Is Silent.

Mr. Anderson says if Senator Walters agrees to the debate, "I will undertake to prove that you have been consistently lined up with German brewers and that what has been said about you by the Anti-Saloon League was warranted by the facts."

Senator Walters had nothing to say to-night about the challenge for a verbal duel.

BEER TEST WAITING ON FORMAL OPINION

New York Complaints Will Be Made, Not Pressed.

Special Despatch to THE SUN.

WASHINGTON, March 19.—An enforcement test of the Bureau of Internal Revenue's decision limiting the alcoholic content of beer to half of one per cent. will probably wait upon the formal opinion that has been requested from the Department of Justice.

Commissioner Roper conferred again to-day with his assistants over the new phases of the beer situation, but no conclusions were announced. Officials are not prepared to commit themselves as to the bureau's course in the event that New York breweries actually place on sale or distribute 2¾ per cent. beer. It is indicated, however, complaints will be brought against any "offender" but not pressed in court until the Department of Justice opinion is received. If this opinion is favorable to the Treasury ruling the actions will then probably be pressed. If it is unfavorable they can be withdrawn.

The Federal Government has made no move yet to send legal assistance to the officers in New York involved in the action brought by brewing interests to restrain the Internal Revenue Bureau or Government agents from interfering in the distribution of 2¾ per cent. beer, it is not indicated whether the Treasury is prepared to rest its case on the New York decision.

DISTILLERS CHANGE NAME.

Securities Corp. Becomes U. S. Food Products Corp.

By vote of its stockholders yesterday the Distillers Securities Corporation has become the United States Food Products Corporation. This change was consummated at the annual meeting which increased the number of directors from seven to nine by election of Theodore H. Wagner and Thomas A. Clark. Alvin W. Krech, president of the Equitable Trust Company, was reelected a director.

Both Mr. Krech, chairman of the board, and Julius Kessler, president of the company, told the stockholders that the outlook for the company was never so bright and that they were confident that the new lines which the company were taking up would be more profitable than those which it has handled.

Mr. Kessler expressed at the meeting the conviction that the present rate of dividends would be maintained this year out of earnings and without any recourse to surplus.

Hungarian Elections April 13.

BUDAPEST, March 19.—The Government has set April 13 as the date for the election of delegates to the Hungarian National Assembly.

BOAT OWNERS JOIN HANDS TO END TIEUP

Will Engage Discharged Soldiers and Sailors to Break Strike.

LONGSHOREMEN RESTIVE

42,000 Threaten to Quit—Big Stick Flourished by U. S. Government.

Hope for any settlement of the harbor strike was abandoned yesterday when it became known that to-day the owners of tugs, lighters and barges in the port of New York will coordinate their resources and make a determined effort to break the tieup.

The New York Towboat Exchange will advertise for any men holding pilot of engineer licenses and those having any experience on boats. Discharged soldiers and sailors will be taken on. There are already several hundred soldiers employed by the boat owners for the protection of their property.

Forty-two thousand longshoremen threatened to quit yesterday because it was found some of them were handling cargoes from boats of private owners, and if need be the strike officials will use the longshoremen as a whip to strengthen their fight. Boat owners are prepared for this situation. They will offer jobs to soldiers to do this stevedore work.

How far the battle will go on no one can predict. There is broad power in the hands of the few labor leaders who control the strikers. If need be they can call the men off the transatlantic liners and demand that the boatmen of England, Ireland and France also quit.

Federal Big Stick Raised.

The "big stick" of the United States Government which Federal officials threatened would wave over the boat owners and strikers if Government boats were interfered with landed on the strikers with some results yesterday. Brig.-Gen. Frank T. Hines, Chief of Transportation Service, sent a telegram to the Commanding General of the Port of Embarkation, Hoboken, and it was forwarded by Gen. Shanks's office to the strike committee. The message read:

"Your superintendent of water transportation reports commercial troop vessels delayed due to direct and indirect cause of strike, port of New York, vessels named being Mauretania and Belgic for British and the Niagara for French. The importance of all operations connected with return of troops cannot be overstated, and this matter should be called to the attention of those connected with strike of marine workers with statements that the department views with alarm any act on their part which tends to interfere with the handling of vessels engaged in return of American troops and requests their cooperation and assurance that the operation of such vessels will not be interfered with and that effort will be made to expedite their departure."

Yields to Demand.

The result was that Thomas L. Delahunty, one of the labor leaders conducting the strike, promptly decided that the striking marine workers "would do all in their power to aid the Government and see that the departure of vessels is expedited."

A. H. Smith, Regional Director of the Railroad Administration, wrote Mr. Delahunty, asking that the strikers handle coal supplying public utilities. This request also was promptly accepted.

It was said at union headquarters that an appeal will be made to Gov. Smith and Mayor Hylan to end the strike. The strikers expect little sympathy from Mayor Hylan, who has already chastised them in one of his characteristic letters. It is not probable that Gov. Smith will interfere unless public utilities are in danger.

SHIPS SAIL DESPITE STRIKE.

Chicago and Espagne, Delayed Take 2,128 Passengers.

Two French liners sailed yesterday for France, carrying a total of 2,128 passengers, including 538 in the saloons.

The liner Chicago, for Bordeaux, had been delayed for several days on account of the harbor strike, but the Espagne, for Havre, was held back only one day. On board the latter were Count and Countess de Limur, Mme. Edouard de Billy, wife of the French High Commissioner in the United States, and Gaston de Pellerin de Latouche, president of the French Line.

M. de Latouche, who arrived here March 4, said his visit, short as it was, confirmed his opinion concerning the close and friendly relations between the United States and France.

"I have also been able to make a short trip to Canada," he said, "and received unmistakable evidence of a desire for union with France. Therefore we have decided as soon as conditions permit to establish a direct Franco-Canadian line, which will be developed as trade increases."

BALTIMORE BOATS TO RESUME.

Merchants and Manufacturers Win Fight for Boston Line.

Special Despatch to THE SUN.

BALTIMORE, March 19.—The Merchants and Miners Transportation Company will resume its Baltimore and Boston boat service beginning March 31.

This announcement was made by the Merchants' and Manufacturers' Association to-day.

The Merchants and Manufacturers Association has been making an active fight to have this boat service resumed ever since its discontinuance. Present arrangements are for one steamer a week until normal business begins, when it is believed two boats, one leaving Baltimore and one Boston each week, will be operated.

7 PENNA. BREWERIES RESUME.

Other Plants in Keystone State to Start Operations.

SCRANTON, PA., March 19.—Seven breweries operated by the Central Pennsylvania Brewing Company began brewing beer to-day after having been shut down for three months. Officials of the company announced that they resumed operations on the advice of attorneys who assured them that there was nothing to prevent their making beer containing not more than 2¾ per cent. alcohol.

Other brewers who work independent of the trust are expected to resume next week.

Want J. H. Barnes Retained.

CHICAGO, March 19.—The Chicago Board of Trade to-day adopted resolutions asking President Wilson to retain Julius H. Barnes as president of the Grain Corporation of the Food Administration until the wheat crop of 1919 shall have been marketed. The petition urged that J. J. Stream and Howard B. Jackson be retained with the Grain Corporation.

CHECK ON WOMEN'S BILLS STIRS ALBANY

Report That Measures Are Slated for Defeat by G. O. P. Committee Denied.

CITY CLUB IS REASSURED

Appeal for 8 Hour and Minimum Wage Bills Will Go to Speaker Sweet.

ALBANY, N. Y., March 19.—Failure of the Assembly Labor and Industries Committee to-day to report out the bills for an eight hour day for women, minimum wages for minor and female workers and added protection for women railroad operatives and office workers created a furor, in conjunction with THE SUN story this morning that these measures probably are slated for defeat as a result of the conference of the executive committee of the Republican State Committee yesterday.

Miles M. Dawson of the City Club of New York, speaking in the afternoon at the hearing on health insurance, declared he was "disturbed this morning to read that you were controlled from without instead of within," and that "it was said you were to be influenced by the action of the executive committee.

"So I put myself in touch with the leaders and the chairman of the committee," Mr. Dawson said, "and I can officially state on his authority that it is not true."

The women representing the Women's Joint Legislative Conference do not share Mr. Dawson's optimistic view of the situation. It is known that they had enough votes promised by members of the Committee on Labor and Industries to get their bills reported, but when the committee met before the Assembly session to-day no action was taken.

Protest Will Go to Sweet.

It is said unofficially that the committee chairman, Assemblyman William Bewley of Niagara, refused to entertain a motion to report the bills, but he said that no such motion was made. The situation is such, however, that the women are protesting, and expect to carry their resentment to Speaker Thaddeus C. Sweet of the Assembly to-morrow. It is expected they will charge that the action of the executive committee of the Republican State committee influenced the Bewley committee.

The Assembly Rules Committee, of which Speaker Sweet is chairman, will take charge of all legislation pending on March 28, so that the only chance the women have to get their bills reported favorably will come at next week's meeting of the Labor and Industries Committee. One of the minor bills, that providing against night work for women elevator operators and requiring seats for them, was reported to the Assembly as a result of a vote taken by the committee last night, when action was postponed on the eight hour day bills and the rest of the programme.

George A. Glynn, chairman of the Republican State committee, and Bertrand H. Snell, chairman of the executive committee, remained in the city to-day, but there were no developments in the political situation affecting legislation. Much surprise was expressed at the idea that the influence of Mary Garret Hay and the other women on the executive committee was sufficient to turn the Republicans away from their plan to restore party State conventions, and there is still some talk of a compromise bill, but few really believe the opposing factions could agree on such a measure.

To Support Governor's Bill.

It developed that the Republican Senators in conference last night voted to support the bills wanted by Gov. Smith providing for a rapid transit commissioner in New York to complete the subways, and a single public service commissioner to take the place of the present five man commission. Many of them talked against the plan on the ground that the Republicans should not give the Governor what he wants in the way of legislation, but they finally agreed to vote for the bills.

The agitation started yesterday by anti-suffragists for membership in the executive committee, which resulted in announcement that Mrs. William B. Beecher, the woman member of the executive committee from Brooklyn, represents the anti-suffrage element, is reported to have been started by the Albany County Republican organization of William Barnes as a backfire in the opposition of the suffragists to the renomination next year of United States Senator James W. Wadsworth.

URGES N. Y. INDIANS BE MADE CITIZENS

Conference Recommendation Would Affect 6,000

Special Despatch to THE SUN.

ALBANY, March 19.—Recommendations that the 6,000 Indians living on 87,000 acres of reservation in New York State be granted the right to become citizens of the State without affecting their tribal property rights were made to Gov. Smith and the Legislature to-day by a delegation from the official conference of State and Federal authorities and Indian chiefs. Dr. Earl A. Bates, chairman of the conference, presented the resolutions to the Governor.

The Supreme Court has held that the State of New York has been enacting legislation affecting Indians for 150 years without authority and in contravention of ancient treaties.

The Governor and the Legislature were asked to name a special Indian commission of two Senators, three Assemblymen and representatives of the four departments having relations with the Indians to treat with the two committees on Indian Affairs of Congress and to consider the relations and status of Indians in New York with the view to giving New York State the power to handle its own Indian affairs.

In the eyes of the law treaties must be made with the Indians to accomplish these results, as they are free and independent people, and to that extent Congress must give up its treaty making rights to the State.

ERIE SEEKS $15,000,000.

Asks Authority to Issue Notes to Pay Others Due April 1.

Special Despatch to THE SUN.

ALBANY, March 19.—The Erie Railroad Company has made application to the Public Service Commission for authority to issue $15,000,000 in three year 6 per cent. gold notes to refund two year notes falling due April 1. The refunding is to be accomplished by offering the new 6 per cent. notes at 98 to holders of the 5 per cent. notes, due April 1. The War Finance Corporation will take remaining notes not taken by the 5 per cent. noteholders or others.

The railroad asks also for permission to pledge with the Bankers Trust Company of New York as collateral to the notes, bonds of the face value of $31,982,000, which the company has not sold because of the present market conditions. The Director-General of Railroads, it is stated, has approved the proposed note issue.

DEER HUNTERS PAY PENALTIES OF $10,000

Ohio Man's Fib Costs Him $500 Here.

Special Despatch to THE SUN.

ALBANY, March 19.—Deer hunters caught by secret service agents of the Conservation Commission in wholesale violations of the State deer laws during the last hunting season already have paid penalties aggregating more than $10,000, according to George D. Pratt, Conservation Commissioner.

The majority of cases so far cleaned up have been settled by the offenders without necessity for court proceedings. Preparations are being made by Claude E. Underhill of Herkimer, division inspector, who has the evidence covering all the deer cases, for court prosecutions on the largest scale ever undertaken by the commission.

The highest settlement in the cases just closed is that of John Edmund Sells of Canton, Ohio, who endeavored to save $9.40 on his hunting license by swearing that he was a resident of New York State and taking out a resident license for $1.10 instead of a non-resident license for $10.50. He settled with the Conservation Commission for $500 for hunting with a resident license and also for killing one female deer and assisting in killing four others.

The commission has evidence against three other men in Ohio and also against men in other States who swore they were residents of New York State. These men can all be extradited for perjury.

SMITH NAMES BOARD FOR WAR PROBLEMS

Governor Regrets Partisanship Prevents Appropriation for Reconstruction Work.

Special Despatch to THE SUN.

ALBANY, March 19.—Upon the request of the American Red Cross Gov. Smith appointed to-day seven representatives from the Reconstruction Commission as delegates to the international conference on the rehabilitation of the disabled now in session at the Waldorf-Astoria hotel and Carnegie Hall, New York.

The conference is discussing the entire subject of rehabilitation from the stage of bedside therapy to successful placement in remunerative employment.

The delegates are Prof. Felix Adler, John J. Agar, Peter J. Brady, Alfred E. Marling and Arthur Williams of New York city, Addison B. Colvin of Glens Falls and George Foster Peabody of Saratoga Springs.

The Governor said to-day the Republicans subordinated the interest of the people to partisan politics in refusing yesterday to pass bills giving his Reconstruction Commission $60,000 for expenses. He said:

"I regret that the Republican majority in the Legislature by a strict party vote saw fit to deny to the Reconstruction Commission an appropriation for its actual and necessary expense. It is history repeating itself. There was an opportunity for the Republican majority to help do a great work for the State, and it is sad to say that the State and its interests and the interests of all its people were subordinated to the interest of partisan politics.

"In the short period that we were at work there was appropriated by the Legislature for war purposes $3,650,000. Of this amount more than $1,000,000—almost a third of the whole amount appropriated—went into salaries and travelling expenses. This was appropriated to be expended under the direction of a Governor of the same political faith as the present majority in the Legislature, and to a Democratic Governor for a careful study of the post-war problems $60,000 is denied. The reason is obvious, and it is not a difficult problem for the ordinary man on the street to thoroughly understand."

PEEKSKILL GIRL VANISHES.

Started to Ride on Horseback to Bronx Four Days Ago.

The State police are searching for Marjorie McDonough, 15, of Granite Springs, near Peekskill, who disappeared four days ago when she started out on horseback to call on relatives living in Jerome avenue, The Bronx.

Because she was thought to have stopped to visit relatives in Millwood, Westchester county, the family did not give out an alarm until yesterday. She had frequently made the trip on horseback to this city.

HEALTH INSURANCE BILL IS ATTACKED

No Progress Made for Measure After Long Hearing at Albany.

Special Despatch to THE SUN.

ALBANY, March 19.—Although it looked as if nearly half the State had crowded into the Assembly Chamber today to manifest interest either for or against the passage of a law establishing State health insurance, it is still an open question what sort of a bill will be handed up to the Legislature by the Senate committee which has been trying to draft one.

The bill sponsored by Senator Davenport was responsible for to-days hearing and at the outset he remarked he was not satisfied with his own measure, which he thought might be improved if he could get some constructive criticism out of the hearing. The criticism developed in volume, but at the end of the hearing Senator Davenport said he had not heard anything constructive. No intimation was given as to when or in what form the bill will be reported, but it appears certain that a health insurance measure will be handed up for passage.

James M. Lynch, of the State Industrial Commission, led the forces favoring the Davenport measure, and said the most certain indication that it was worthy of passage was the fact that it had reached the stage where its opponents could find no better argument against it than to say it was unconstitutional.

New York City firemen refused to-day to entertain a suggestion by Speaker Thaddeus C. Sweet of the Assembly that they agree on a two platoon bill to replace the three platoon measure which was reported favorably by the Assembly Cities Committee. They said they would stand squarely behind the three platoon measure, but there appears to be a decided belief here that the measure is doomed to die.

After two hours of debate the Assembly passed the concurrent resolution amending the Constitution to give preference, in the order named, to veterans of the Civil, Spanish and World Wars when they are seeking civil service employment or promotion. Opponents of the resolution said it seeks to benefit only Spanish War veterans and that it would confer little or no benefit on veterans returning from France.

Assemblyman J. Fairfax McLaughlin of the Bronx introduced a bill prohibiting New York transportation corporations from receiving as passengers in their cars on subway or elevated lines more than twice the seating capacity of the cars. Street railway companies would be prohibited from carrying passengers in excess of 80 per cent. above the seating capacity.

TO ASK AID FOR LOUVAIN.

Prof. Nerincx and the Rev. Hebbelynck Coming to United States.

HALIFAX, N. S., March 19.—On a mission to aid the movement in the United States for the restoration of buildings destroyed in Louvain when the Germans invaded Belgium A. N. Nerincox, professor of constitutional law at Louvain University, and the Right Rev. A. Hebbelynck, rector emeritus of the university, left here to-day for Washington. They represent the Belgium Government.

Professor Nerincox was in Louvain when the Germans entered the city and acted as bourgomaster throughout the war. Mgr. Hebbelynck, who left the university in 1909 to edit the Coptic manuscripts of the Vatican library at Rome, was in Ghent when the war broke out.

Two Draft Evaders Sentenced.

BOSTON, March 19.—Sentences of draft evaders tried by courts-martial in the Northeastern Department on technical charges of desertion were announced today. Howard A. Pratt of Worcester and James P. Hannon of this city were ordered to serve eighteen months each at hard labor at the disciplinary barracks at Fort Jay, N. Y.

Cleveland Garment Makers Return

CLEVELAND, March 19.—Almost 1,200 of the 4,000 garment workers who went on strike this morning will return to work to-morrow morning on a thirty per cent. wage increase and a forty-hour work week basis. Ten of the forty firms have agreed to the terms of their employes, it was stated.

Burglar Kills Rochester Cop.

ROCHESTER, N. Y., March 19.—Patrolman James H. Upton was shot and killed early to-day by a burglar detected in the act of robbing a downtown grocery store. The murderer escaped.